

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTOINE DESHAWN BARNES,  
Petitioner,  
v.  
ROSEMARY OROZCO, et al.,  
Respondents.

No. 2:25-cv-0863 WBS CSK P

ORDER AND FINDINGS AND  
RECOMMENDATIONS

Petitioner is a county prisoner, proceeding without counsel, with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On May 2, 2025, this Court recommended that the petition be dismissed as barred by the Younger abstention doctrine. See Younger v. Harris, 401 U.S. 37 (1971). (ECF No. 7.) On May 12, 2025, the May 2, 2025 findings and recommendations were returned unserved on petitioner. For the following reasons, the May 2, 2025 findings and recommendations are vacated, and this Court recommends that this action be dismissed for petitioner's failure to comply with Local Rule 182(f), which requires that a party appearing in propria persona inform the Court of any address change.

In the May 2, 2025 findings and recommendations, this Court found that petitioner challenged ongoing criminal proceedings and/or competency proceedings related to the criminal proceedings. (ECF No. 7 at 3.) For this reason, petitioner's claims were barred by the Younger abstention doctrine. (Id. at 3-5.) At the time petitioner filed the instant action, petitioner was

1 housed at the Amador County Jail. (ECF No. 1.) Based on the unserved findings and  
2 recommendations, reflecting that petitioner is no longer housed at the Amador County Jail, the  
3 status of petitioner's criminal proceedings and/or competency proceedings is not clear. For this  
4 reason, in an abundance of caution, this Court vacates the May 2, 2025 findings and  
5 recommendations recommending that this action be dismissed as barred by the Younger  
6 abstention doctrine. Because thirty days have passed from May 12, 2025 (the date the May 2,  
7 2025 findings and recommendations were returned unserved), this Court now recommends that  
8 this action be dismissed for petitioner's failure to notify the Court of his current address, as  
9 required by Local Rule 182(f).

10 Accordingly, IT IS HEREBY ORDERED that the May 2, 2025 findings and  
11 recommendations (ECF No. 7) are vacated; and

12 IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice for  
13 failure to prosecute. See Local Rule 183(b).

14 These findings and recommendations are submitted to the United States District Judge  
15 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
16 after being served with these findings and recommendations, petitioner may file written  
17 objections with the court. The document should be captioned "Objections to Magistrate Judge's  
18 Findings and Recommendations." Petitioner is advised that failure to file objections within the  
19 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951  
20 F.2d 1153 (9th Cir. 1991).

21 Dated: June 25, 2025

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24 CHI SOO KIM  
25 UNITED STATES MAGISTRATE JUDGE

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